

## **MINUTES**

### **MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION COMMITTEE ON LOCAL GOVERNMENT**

**Call to Order:** Chairman John Esp, on January 26, 2009 at  
3:00 P.M., in Room 405 Capitol.

#### **ROLL CALL**

**Members Present:**

Sen. John Esp, Chairman (R)  
Sen. Gregory D. Barkus (R)  
Sen. Ron Erickson (D)  
Sen. Steven Gallus (D)  
Sen. Kim Gillan (D)  
Sen. Verdell Jackson (R)  
Sen. Bruce Tutvedt (R)

**Members Excused:** Sen. Jeff Essmann, Vice Chairman (R)  
Sen. Jesse Laslovich (D)

**Members Absent:** None.

**Staff Present:** Leanne Heisel, Legislative Branch  
Debra Polhemus, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: SB 56, 1/16/2009; SB 262, 1/16/2009

Executive Action: SB 57 ~ DO PASS AS AMENDED  
SB 58 ~ DO PASS AS AMENDED  
SB 148 ~ DO PASS AS AMENDED  
SB 166 ~ TABLED  
SB 172 ~ AMENDED

**HEARING ON SB 56**

**Opening Statement by Sponsor:**

00:01:19 Sen. Trudi Schmidt (D), SD 11, opened the hearing on SB 56, Extend open meeting rights to members of homeowner and landowner associations.

**Proponents' Testimony:**

00:03:43 Steve Sem, Great Falls, member of landowners association

[EXHIBIT\(los18a01\)](#)

00:07:52 Michael Cropper, Double Arrow Ranch resident, Seeley Lake

[EXHIBIT\(los18a02\)](#)

00:10:36 Joann Wallenburn, Big Fork resident

[EXHIBIT\(los18a03\)](#)

[EXHIBIT\(los18a04\)](#)

[EXHIBIT\(los18a05\)](#)

00:18:48 Bob Wasson, Seeley Lake, Double Arrow Ranch Association

[EXHIBIT\(los18a06\)](#)

**Opponents' Testimony:**

00:21:27 L. Harold Blattie, President, representing Crestwood Homeowners Association

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:24:10 Sen. Tutvedt  
00:24:48 L. Harold Blattie  
00:26:10 Sen. Tutvedt  
00:26:22 Joanne Wallenburn  
00:27:00 Sen. Jackson  
00:27:33 Sen. Schmidt, SD 11  
00:29:00 Sen. Jackson  
00:29:16 Sen. Schmidt  
00:29:43 Sen. Gillan  
00:30:06 Bob Wasson  
00:30:44 Sen. Gillan  
00:31:49 Bob Wasson  
00:33:40 Sen. Barkus  
00:34:19 Steve Sem  
00:34:59 Sen. Barkus  
00:35:31 Steve Sem

**Questions from Committee Members and Responses: (Con't)**

00:36:08 Sen. Barkus  
00:36:36 Sen. Schmidt  
00:37:16 Sen. Erickson  
00:38:02 Sen. Schmidt  
00:39:30 Leanne Heisel, Legislative Services Division (LSD)  
00:39:58 Chairman Esp  
00:40:28 Steve Sem  
00:41:06 Sen. Jackson  
00:42:02 L. Harold Blattie  
00:43:33 Sen. Jackson

**Closing by Sponsor:**

00:43:49 Sen. Schmidt

00:44:34 Recess

00:51:47 Reconvene

**HEARING ON SB 262**

**Opening Statement by Sponsor:**

00:52:04 Sen. David Wanzenried (D), SD 49, opened the hearing on SB 262, Allow per unit assessment in water and sewer districts.

**Proponents' Testimony:**

00:53:54 Robert Carter, member of Target Range Sewer and Water District, Missoula

**EXHIBIT(los18a07)**

00:56:37 L. Harold Blattie, Executive Director, Montana Association of Counties (MACo)

00:57:38 Jim McDonald, Chairman, Target Range Sewer and Water District, Missoula

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:58:45 Sen. Barkus  
00:59:01 Jim McDonald  
01:00:27 Sen. Barkus  
01:00:43 Jim McDonald  
01:01:31 Sen. Erickson  
01:02:04 L. Harold Blattie  
01:04:36 Chairman Esp  
01:04:48 Robert Carter

**Closing by Sponsor:**

01:06:26 Sen. David Wanzenried  
  
01:07:48 Chairman Esp

**CONTINUED EXECUTIVE ACTION ON SB 57**  
(Previous executive action on January 21, 2009)

01:08:03 **Motion:** Sen. Gillan moved that **SB 57 DO PASS AS AMENDED.**

01:08:47 **Motion:** Sen. Gillan moved that **SB 57 BE AMENDED.**  
**EXHIBIT**(los18a08)

**Discussion:**

01:09:02 Chair Esp  
01:09:19 Sen. Gillan

01:09:56 **Vote:** Motion carried unanimously by voice vote with Sen. Essmann voting by proxy and Sen. Gallus voting for Sen. Laslovich by proxy. (Shortly thereafter, Sen. Laslovich returned to committee meeting and confirmed his vote "aye" that SB 57 be amended.)

01:10:22 **Motion:** Sen. Gillan moved that **SB 57 BE AMENDED.**  
**EXHIBIT**(los18a09)

**Discussion:**

01:11:09 Leanne Heisel, LSD  
 01:11:41 Chairman Esp  
 01:12:01 Sen. Gillan  
 01:12:24 Leanne Heisel  
 01:12:40 Hope Stockwell, Legislative Services Division (LSD)  
 01:13:02 Sen. Tutvedt  
 01:13:11 Chairman Esp  
 01:13:21 Sen. Gillan  
 01:13:51 Leanne Heisel  
 01:14:14 Chairman Esp  
  
 01:14:41 **Vote:** Motion failed 4-5 by roll call vote with Sens. Erickson, Gallus, Gillan, and Laslovich voting aye and Sen. Essmann voting by proxy.  
  
 01:15:36 Sen. Gallus  
 01:15:50 Chairman Esp  
  
 01:16:42 **Motion:** Sen. Tutvedt moved that **SB 57 BE AMENDED. EXHIBIT(los18a10)**

**Discussion:**

01:17:00 Chairman Esp  
 01:18:07 Sen. Gillan  
 01:20:31 Sen. Tutvedt  
 01:21:07 Sen. Gillan  
 01:23:03 Leanne Heisel  
 01:23:20 Sen. Erickson  
 01:23:59 Sen. Gillan  
 01:24:41 Mike McGinley, Beaverhead County Commissioner, and President, MACo  
 01:25:54 Sen. Barkus  
 01:26:38 Chairman Esp  
  
 01:27:01 Sen. Tutvedt withdrew his motion that **SB 57 BE AMENDED.**  
  
 01:27:11 Sen. Gillan  
 01:28:10 Sen. Erickson  
  
 01:28:39 **Motion:** Sen. Tutvedt moved that **SB 57 BE AMENDED. EXHIBIT(los18a11)**

**Discussion:**

01:29:13 Sen. Tutvedt  
01:29:30 Sen. Gillan  
01:30:22 Sen. Erickson

01:30:42 **Vote:** Motion carried unanimously by voice vote with  
Sen. Essmann voting by proxy.

01:31:03 **Motion:** Sen. Gillan moved that **SB 57 DO PASS AS  
AMENDED.**

**Discussion:**

01:31:13 Sen. Gillan  
01:31:59 **Vote:** Motion carried unanimously by voice vote with  
Sen. Essmann voting by proxy.  
01:32:45 Sen. Gillan

**EXECUTIVE ACTION ON SB 58**

01:33:27 **Motion:** Sen. Gillan moved that **SB 58 DO PASS.**

**Discussion:**

01:33:44 Sen. Gillan  
01:34:13 **Motion:** Sen. Gillan moved that **SB 58 BE AMENDED.**  
**EXHIBIT**(los18a12)

**Discussion:**

01:34:25 Sen. Gillan  
01:34:31 Hope Stockwell, LSD  
01:35:23 **Vote:** Motion carried unanimously by voice vote with  
Sen. Essmann voting by proxy.  
01:35:44 **Motion/Vote:** Sen. Gillan moved that **SB 58 DO PASS AS  
AMENDED.** Motion carried unanimously by voice vote with  
Sen. Essmann voting by proxy.

**EXECUTIVE ACTION ON SB 172**

01:37:34 **Motion:** Sen. Barkus moved that **SB 172 DO PASS.**

**Discussion:**

01:37:51 Sen. Barkus

01:38:01 **Motion:** Sen. Tutvedt moved that **SB 172 BE AMENDED.**  
**EXHIBIT**(los18a13)

**Discussion:**

01:38:05 Sen. Tutvedt  
01:39:05 Sen. Barkus  
01:40:19 Sen. Erickson  
01:41:02 Sen. Jackson  
01:41:18 Sen. Gillan  
01:41:38 Sen. Barkus  
01:42:37 Sen. Jackson  
01:42:59 Sen. Tutvedt

01:43:43 **Vote:** Motion carried 5-4 by roll call vote with Sens.  
Barkus, Esp, Gillan, and Jackson voting no with Sen.  
Essmann voting by proxy.

01:44:38 **Motion:** Sen. Barkus moved that **SB 172 DO PASS AS**  
**AMENDED.**

**Discussion:**

01:45:07 Sen. Gallus  
01:45:39 Sen. Gillan  
01:45:53 Sen. Barkus  
01:46:24 Chairman Esp

01:46:39 Sen. Barkus removed his motion of **SB 172 DO PASS AS**  
**AMENDED.**

01:46:45 Without objection from the Committee, Chairman Esp  
requested **SB 172** be considered further in a future  
meeting.

**EXECUTIVE ACTION ON SB 166**

01:47:24 Sen. Gillan

01:48:42 **Motion:** Sen. Erickson moved that **SB 166 DO PASS.**

**Discussion:**

01:49:50 Chairman Esp

01:49:55 Sen. Erickson

01:49:59 Sen. Gallus

01:50:46 Leanne Heisel, LSD

01:51:10 Sen. Gillan

01:51:59 Sen. Barkus

01:53:05 Sen. Erickson

01:54:30 Chairman Esp

01:55:06 Sen. Gallus

01:55:25 **Vote:** Motion failed 2-7 by voice vote with Sens. Erickson and Jackson voting aye and Sen. Essmann voting by proxy. Without objection, the Chairman requested that the vote be reversed and the bill tabled.

01:55:00 Sen. Barkus left the meeting

**EXECUTIVE ACTION ON SB 148**

01:57:42 **Motion:** Sen. Gillan moved that **SB 148 DO PASS.**

01:57:50 **Motion:** Sen. Gillan moved that **SB 148 BE AMENDED.**  
**EXHIBIT**(los18a14)

**Discussion:**

01:58:04 Leanne Heisel, LSD

01:59:15 Chairman Esp

01:59:37 **Vote:** Motion carried unanimously by voice vote with Sens. Essmann and Barkus voting by proxy.

01:59:57 **Motion:** Sen. Gillan moved that **SB 148 DO PASS AS AMENDED.**

02:00:31 **Motion:** Sen. Gillan moved that **SB 148 BE AMENDED** with #2 and #3 only.

**EXHIBIT**(los18a15)



02:01:04 **Vote:** Motion carried unanimously by voice vote with  
Sen. Essmann voting by proxy.

02:01:20 **Motion/Vote:** Sen. Gillan moved that **SB 148 DO PASS AS  
AMENDED**. Motion carried unanimously by voice vote with  
Sen. Essmann voting by proxy.

**Additional Exhibits:**

**EXHIBIT** (los18a16)

Relating to SB 6 heard in committee on January 12, 2009

**ADJOURNMENT**

Adjournment: 5:05 P.M.

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Debra Polhemus, Secretary

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Additional Documents:

**EXHIBIT ([los18aad.pdf](#))**